

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Dianna Dariano, et al.,

NO. C 10-02745 JW

Plaintiffs,

**ORDER DENYING PHOTOGRAPHIC  
COVERAGE**

v.

Morgan Hill Unified Sch. Dist., et al.,

Defendants.

Presently before the Court is the Morgan Hill Times' Media Request to Photograph, Record, or Broadcast<sup>1</sup> the scheduled January 24, 2011 hearing on Defendants' Motion to Dismiss.<sup>2</sup> The Morgan Hill Times moves for approval of still photographic coverage of the non-jury civil hearing.

Civil Local Rule 77-3 provides, in pertinent part:

Unless allowed by a Judge or a Magistrate Judge with respect to his or her own chambers or assigned courtroom for ceremonial purposes or for participation in a pilot or other project authorized by the Judicial Council of the Ninth Circuit, the taking of photographs, public broadcasting or televising, or recording for those purposes in the courtroom or its environs, in connection with any judicial proceeding is prohibited.

Upon review, the Court finds the Morgan Hill Times' request prohibited by Local Rule 77-3. While a court may have the discretion to allow still photographic recording in chambers or in the courtroom for ceremonial purposes, still photographic recording of the courtroom in connection with a hearing is explicitly disallowed. Moreover, the Court finds this case, at this stage of the litigation,

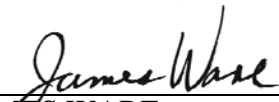
<sup>1</sup> The Court construes this request as a Motion to Allow Photographic Coverage.

<sup>2</sup> (See Docket Item No. 12.)

1 inappropriate for the Ninth Circuit's pilot program regarding the experimental use of cameras in  
2 certain district court proceedings; a program which would solely allow the Court, and not members  
3 of the media, discretion to record courtroom proceedings.

4 Accordingly, the Court DENIES the Morgan Hill Times' Motion to Allow Photographic  
5 Coverage.

6  
7 Dated: January 7, 2011

  
JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Alyson Cabrera [acabrera@gordonrees.com](mailto:acabrera@gordonrees.com)  
3 Mark S. Posard [mposard@gordonrees.com](mailto:mposard@gordonrees.com)  
4 Robert J. Muise [rmuise@thomasmore.org](mailto:rmuise@thomasmore.org)  
5 William Joseph Becker [bbeckerlaw@gmail.com](mailto:bbeckerlaw@gmail.com)

6 Fax to the Morgan Hill Times

7 **Dated: January 7, 2011**

**Richard W. Wieking, Clerk**

8 By: /s/ JW Chambers  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**